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Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Working Group of the Parties

Ninth meeting

Geneva, 24–25 November 2022

Item 5(b) of the provisional agenda

**Programme of work and operation of the Protocol:
development of the Protocol**

Note to guide the discussion on the development of the Protocol on Pollutant Release and Transfer Registers*

Prepared by the Bureau

Introduction

1. Since the adoption of the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) in 2003, Parties to the Protocol have significantly developed their pollutant release and transfer register (PRTR) systems. In parallel, the scope of those international treaties that were essential in defining the Protocol's scope in 2003 also been widened. Consequently, a fragmentation of the approaches to and speed in PRTR development, as chosen by individual Parties, was observed, which is reflected in the Report on the outcomes of the survey on the experiences in implementing the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/WG.1/2020/4). The report also addresses opportunities, threats and the way forward linked to those changes, and contains all the key elements for the development of the Protocol.

2. Decision IV/2 on development of the Protocol on PRTRs (ECE/MP.PRTR/2021/6/Add.1), adopted by the Meeting of the Parties to the Protocol at its fourth session (Geneva, 21–22 October 2022), tasks the Working Group of the Parties, assisted by the Bureau, with e.g., facilitating an exchange of information between Parties, taking into account inputs from interested stakeholders, and foresees possible proposals by Parties on amendments to the Protocol (for relevant excerpts from the Report on the outcomes

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of the survey on the experiences in implementing the Protocol on PRTRs, see annex to present document).

3. In the interim since the fourth session of the Meeting of the Parties, the European Commission has proposed numerous changes to the European PRTR system,¹ many of which are closely related to the content of the above-mentioned Report on outcomes of the survey on the experiences in implementing the Protocol on PRTRs. Another key development relevant to the Protocol's objective may be the negotiations of a new treaty on plastic pollution,² which may also hint at the growing realization among countries and stakeholders that pollution is an issue that benefits from a globally harmonized approach and that existing voluntary measures are not bringing countries to where they want to be in reducing pollutant releases into environmental media.

4. Pursuant to decision IV/2, the Bureau at its twenty-second meeting (hybrid, Geneva, 9 June 2022) discussed ways to facilitate an exchange of information between Parties and stakeholders on topics related to future PRTR development and possible options for ensuring that the Protocol's objectives are better met.³ To that end, the Bureau agreed to prepare a note to guide the discussion on development of the Protocol at the ninth meeting of the Working Group of the Parties, so as to assist Parties and stakeholders in their deliberations on the matter.⁴

I. Suggested issues for discussion

5. It is suggested to structure the discussion around the following topics: (a) major developments since the fourth session of the Meeting of the Parties; and (b) possible voluntary measures to facilitate implementation of decision IV/2, including, measures aimed at supporting efforts by Parties to keep PRTRs relevant and comprehensive, the harmonization of existing work by Parties and the response to current policy goals, such as the transformation to a sustainable and circular economy and the substantial reduction of greenhouse gas emissions and pollutant releases, as well as the facilitation of promotion of PRTRs outside the United Nations Economic Commission for Europe (ECE) region, and the renewal of political and financial support for PRTRs.

A. Major developments since the fourth session of the Meeting of the Parties

6. The Working Group will be invited to consider major developments since the fourth session of the Meeting of the Parties, including:

- (a) The European Commission proposal for the development of the European PRTR;
- (b) The United Nations Environment Assembly of UNEP resolution 5/14, adopted with the aim of agreeing on a respective treaty by 2024;

¹ Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0157>.

² See United Nations Environment Assembly of the United Nations Environment Programme (UNEP) resolution 5/14 entitled "End plastic pollution: Towards an international legally binding instrument" (UNEP/PP/OEWG/1/INF/1); the first session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (Punta del Este (Uruguay) (hybrid), 28 November–2 December 2022), involving an all-day multi-stakeholder forum (26 November), see www.unep.org/events/conference/inter-governmental-negotiating-committee-meeting-inc-1; and Note on possible linkages between pollutant release and transfer registers and plastic pollution (ECE/MP.PRTR/WG.1/2022/6).

³ See report of the Bureau on its twenty-second meeting (Geneva (hybrid), 9 June 2022), paras. 5–14, available at <https://unece.org/environmental-policy/events/bureau-protocol-prtrs-22nd-meeting>.

⁴ *Ibid.*, para. 14 (a).

(c) Other relevant developments, including any plans of Parties to submit formal proposals for amendments; and/or on voluntary measures for harmonizing reporting functions across different reporting obligations.

B. Voluntary measures to support implementation of decision IV/2

7. In the current intersessional period, Parties may decide on a preferred pathway towards PRTR development. In the absence of a proposal for amendments, several voluntary actions may be implemented. Thus, the Working Group may consider possible follow-up to address actions foreseen in decision IV/2, along with those suggested in subsection II.D (Way forward) of the Report on the outcomes of the survey on the experiences in implementing the Protocol. These measures could include the 3-step approach for the development of PRTR systems described below.

1. Stay relevant and comprehensive

8. These measures foresee voluntary application of the extended/up-dated scope of the annexes to the Protocol by Parties and other interested States. Facilitative actions may include the following:

(a) Inviting Parties to share their work on lists of substances, activities, recovery or disposal operations with other interested Parties and stakeholders through the Protocol's web page. (e.g., the European Union);

(b) Requesting the secretariat, in consultation with the Bureau, to update existing lists with substances and thresholds regulated under other relevant treaties, regulations and activities,⁵ in cooperation with respective organizations, for possible sharing through PRTR.net and the Protocol's web page;

(c) Encouraging Parties that have elaborated methodologies on a specific aspect of PRTR development (e.g., with a focus on examples showcasing approaches for putting PRTR data to use) to explore possibilities to take a lead on a specific topic of PRTR development,⁶ and share experience with Parties and stakeholders through PRTR.net and at the meetings of the Working Group of the Parties and other events (also relevant for para. 9 (a) below).

2. Harmonize existing work by Parties and respond to current policy goals

9. These measures would aim at improving the contribution of PRTRs to preventing and reducing pollution of environmental media by harmonizing reporting functions across different reporting obligations. Facilitative actions may include:

(a) Discussing and identifying good practices and fields of expertise among Parties based on the topics identified in the Report on the outcomes on the survey on experiences in implementing the Protocol on PRTRs, such as integrated reporting on energy/resource consumption, production volume or waste management/recycling; and inviting respective Parties to take a lead in that area of work and share experience with Parties and stakeholders through PRTR.net and at the meetings of the Working Group of the Parties and other events;

(b) Discussing and identifying current ways in which Parties deal with issues regarding confidentiality of non-pollutant release and transfer data, for example, data on resource consumption and production volume; and how the current standards for confidentiality under the Protocol may apply with regard to those data;

⁵ See the Comparative analysis of different international reporting obligations related to annexes I–III to the Protocol on PRTRs (PRTR/WG.1/2019/Inf.2); available at <http://www.unece.org/fileadmin/DAM/env/pp/prtr/WGP-7/AEC/prtr.wg.1.2019.Inf.2.xlsx>.

⁶ For a non-exhaustive list of possible topic categories see, e.g., the respective chapters of the Report on the outcomes of the survey on the experiences in implementing the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/WG.1/2020/4).

(c) Discussing how PRTRs can be improved to more effectively contribute to preventing and reducing pollution of environmental media, including, for example, by harmonizing reporting functions across different reporting obligations with a view to ensuring that PRTR systems better fit government data needs and by making available the respective tools for reporting and data dissemination, with a focus also on building government and private sector capacity fit to accommodate a sustainable and circular economy.

3. Promote pollutant release and transfer registers outside the United Nations Economic Commission for Europe region and renew political and financial support for such registers

10. Measures aimed at increasing the efficiency and coherence of the Protocol (e.g., pathway to zero pollution/circular economy and/or related good practices/pollution prevention work) can increase the attractiveness of the Protocol for decision-makers and would likely support its ratification and promotion within and outside the ECE region. To this end, the Working Group may wish to invite Parties and stakeholders to promote PRTRs through the following facilitative measures:

(a) Encouraging Protocol national focal points to engage with national focal points of other relevant instruments and to jointly promote the use of PRTRs for reporting on international agreements, recalling in that context: Sustainable Development Goal 12 on responsible consumption and production; the related Organisation for Economic Co-operation and Development activities;⁷ the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and the amendment to that Protocol; the PRTR-related provisions of the 2001 Stockholm Convention on Persistent Organic Pollutants and of the 2013 Minamata Convention on Mercury; and the future treaty to end plastic pollution (see para. 3 above);

(b) Encouraging also Protocol national focal points to promote, in cooperation with national focal points of other relevant treaties and organizations, financial support – such as through the Global Environment Facility –⁸ to countries that wish to establish PRTR systems of their own or as a group;

(c) Encouraging the Parties to the Protocol to also consider promoting the inclusion of provisions on PRTRs in relevant future treaties, including the treaty to end plastic pollution, thereby promoting synergy and avoiding duplication of work.

⁷ Organisation for Economic Co-operation and Development (OECD), *Using PRTR Information to Evaluate Progress Towards the Sustainable Development Goal 12*, OECD Series on Pollutant Release and Transfer Registers, No. 25 (OECD Publishing, Paris, 2021).

⁸ See www.thegef.org/who-we-are/funding.

Annex

Excerpt from the Report on outcomes of the Survey on the experiences in implementing the Protocol (ECE/MP.PRTR/WG.1/2020/4)

A. General strengths, weaknesses, opportunities and threats

Opportunities that could be exploited to the Protocol's advantage

20. Extension of the Protocol's substantive scope regarding, for example, activities and pollutants, or non-pollutant-related reporting (i.e., resource consumption and production volume), and global geographic coverage of PRTRs, would increase open access, availability and use of data for the public.

21. PRTRs can help to improve the balance between a minimal reporting burden and having a comprehensive and connected database, thereby improving efficiency of resources spent by different stakeholders and institutions on reporting and disseminating pollutant release and transfer-related information reporting.

22. There is also an opportunity for better linkage with regulatory inspections and permits.

23. The PRTR could be made more efficient and coherent if there is further harmonization with closely related environmental reporting obligations. Adding more contextual data to the existing PRTR would improve its effectiveness as a comprehensive source of environmental information.

Threats that could cause negative impact

24. There is potential for PRTR data to be misinterpreted as they are limited to specified lists of activities and pollutants and include reporting thresholds. PRTRs are often designed to give a picture of significant releases and waste transfers but might not be comprehensive enough for specific activities or pollutants.

25. Outdated core requirements, loss of harmonization and sensitive cost/benefit-ratio of bottom-up reporting require careful selection of reporting requirements.

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D. Way forward

124. The survey demonstrated that PRTRs have significantly evolved since the Protocol was adopted in 2003. The survey also showed that there is a need to improve cooperation so as to address common challenges related to development of the Protocol. This can be done through consideration of the issue of development of the Protocol under the auspices of the Working Group of the Parties (through, for example, preparing a review pursuant to article 6 (2) of the Protocol, and organizing regular thematic sessions at its meetings). Parties could also take the lead on development-related issues through, for example, project groups with other interested Parties.

Excerpt from decision IV/2 on development of the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/2021/6/Add.1)

1. Welcomes the Report on the development of the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/WG.1/2019/6);

2. *Adopts* the Report on the outcomes of the survey on the experiences in implementing the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/WG.1/2020/4) as a reference document for Parties, with a view to informing Parties' consideration of possible options for ensuring that the Protocol's objectives are better met;

3. *Invites* Parties to submit appropriate amendments to the Protocol pursuant to its article 20, in time for consideration by the Meeting of the Parties at its next regular or extraordinary session;

4. *Tasks* the Working Group of the Parties, assisted by the Bureau, with facilitating an exchange of information between Parties, taking into account inputs from interested stakeholders, on possible amendments, and with preparing draft decisions containing amendments to the Protocol proposed by Parties for consideration by the Meeting of the Parties at its next regular or extraordinary session.

European Commission proposal for the development of the European Pollutant Release and Transfer Register

- The European Commission made public its proposal for the development of the European Pollutant Release and Transfer Register, which includes changes to list of activities (but no changes to the list of substances or the list of disposal and recovery operations), and a mandate for the European Commission to implement amendments to Protocol annexes, adding obligations to report on non-pollutant releases, such as energy and resource consumption and production volume (data dissemination is not foreseen at the facility level).
- [Press release](#)
- [Factsheet](#)
- [Questions and Answers on revised European Union rules on industrial emissions](#)
- [Proposal for Industrial Emissions Directive](#)
- [Proposal for Industrial Emissions Portal regulation](#)
